

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

that district court could take judicial notice of stock prices compiled by the Dow Jones news service); *Gee v. CBS, Inc.*, 471 F. Supp. 600, 656 (E.D. Pa. 1979) (taking judicial notice of the fact that a current Schwann record catalogue (regarded as authoritative in the industry) listed both Volumes 1 and 3 of 1951 series as still available to the record buying public).

The fact that football helmets have undergone considerable changes over this more than sixty-year period is generally known in the community. Additionally, Riddell's website provides a history of football helmets, indicating the considerable changes that have occurred over time. Plaintiffs quote almost verbatim the same Riddell website² in their Amended Master Administrative Long-Form Complaint, where they allege facts regarding the evolution of helmet design, thus conceding that source's reliability. (AMAC ¶¶ 384-386(a)-(m).) Moreover, Plaintiffs' extensive discussion of the significant changes in helmet design since the early 1950s further supports their concession of this point and the propriety of the Court taking judicial notice of this fact.

2. The dates of incorporation and formation of the Riddell Defendants

This Court can and should also take judicial notice of the dates of incorporation and formation of the Riddell Defendants as listed on the Delaware and Illinois Secretaries of State online databases. According to the Secretaries of State corporate status webpages for each of the Riddell entities, copies of which are attached as Exhibit "A":

- All American Sports Corporation was incorporated in Delaware on September 13, 1991;
- Riddell, Inc., formerly EN&T Associates, Inc., was incorporated in Illinois on April 4, 1988;

² <http://www.riddell.com/innovation/history/>

- Riddell Sports Group, Inc., was incorporated in Delaware on March 29, 2001;
- Easton-Bell Sports, Inc. was incorporated in Delaware on April 21, 2003;
- Easton-Bell Sports, LLC was incorporated in Delaware on June 13, 2003.
- RBG Holdings Corp. was incorporated in Delaware on September 17, 2004; and
- EB Sports Corp. was incorporated in Delaware on November 15, 2006.

Since these facts are matters of public record, this Court can and should take judicial notice of them. *See Pension Benefit Guar. Corp. v. White Consol. Indus., Inc.*, 998 F.2d 1192, 1196 (3d Cir. 1993) (recognizing that in resolving the defendant's motion for failure to state a claim, the court could consider matters of public record); *Amalgamated Bank v. Yost*, No. 04-0972, 2005 WL 226117, at *3 (E.D. Pa. Jan. 31, 2005) (denying motion to strike certificate of incorporation attached as exhibit to motion to dismiss since the document was a public document filed with the Delaware Secretary of State).

Respectfully Submitted,

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and RBG HOLDINGS CORP.

CERTIFICATE OF SERVICE

The undersigned certifies that on August 30, 2012, the foregoing Riddell Defendants' Request for Judicial Notice in Support of Motion to Sever was electronically filed and served via ECF on all counsel of record registered to receive service via the Court's CM/ECF system.

/s/ Paul G. Cereghini_____